

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

RAELYNN J. KUYKENDALL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO.: 22-cv-107
	)	
GARY E. MANN and	)	
S.A.D. TRANSPORTATION, LLC,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Defendants, Gary E. Mann and S.A.D. Transportation, LLC, by counsel, and pursuant to 28 U.S.C. §1332, hereby file their Notice of Removal of the captioned matter to the United States District Court for the Northern District of Indiana, Hammond Division, from the Lake County Superior Court, Crown Point, Indiana, and respectfully state as follows:

1. Gary E. Mann and S.A.D. Transportation, LLC, are defendants in a personal injury action now pending in the Lake County Superior Court under Cause No. 45D11-2202-CT-000145.

2. Plaintiff filed her Complaint in the Lake County Superior Court on February 10, 2022.

3. All Defendants that have been served with the Summons and Complaint to date consent to the removal of this lawsuit to the United States District Court for the Northern District of Indiana, Hammond Division, from the Lake County Superior Court.

4. Plaintiff's Complaint is subject to removal on the grounds of diversity jurisdiction pursuant to 28 U.S.C. §1332.

5. Plaintiff is a citizen of the State of Indiana.

6. S.A.D. Transportation, LLC is a limited liability company organized under the laws of the State of Ohio, with its principal place of business in the State of Ohio. The members of S.A.D. Transportation, LLC are: Shawn Netcher and Kimberly Smith (formerly Kimberly Netcher). Shawn Netcher is a citizen of the state of Ohio. Kimberly Smith is a citizen of the state of Ohio. As such, S.A.D. Transportation, LLC is a citizen of the state of Ohio.

7. Gary E. Mann is a citizen of the State of Ohio.

8. The controversy in this cause of action is entirely between citizens of different states.

9. While Plaintiff's Complaint seeks an unspecified amount of damages, Plaintiff refused to admit that her damages are less than \$75,000.00. (See, Exhibit A). Therefore, the amount in controversy exclusive of interest and costs is greater than \$75,000, the jurisdictional threshold required by 28 U.S.C. §1332(a).

10. Attached hereto as Exhibit B is a complete copy of the Complaint and Jury Demand, Summonses, and Notice of Proof of Service filed on behalf of Plaintiff, and Defendants' Appearance and Answer, Affirmative Defenses and Demand for Trial by Jury. These documents constitute all of the pleadings and process on file with the Lake County Superior Court as of the date of this filing of this Notice of Removal.

11. Attached hereto as Exhibit C is a separate copy of Plaintiff's Complaint filed on February 10, 2021.

12. Attached hereto as Exhibit D is the current State Court docket.

13. Upon receiving a file-marked copy of this Notice of Removal, Defendants will serve the same upon Plaintiff and also file a copy with the Clerk of the Lake County Superior Court.

Respectfully submitted,

WHITTEN LAW OFFICE LLC

**s/Christopher R. Whitten**

Christopher R. Whitten/#20429-49

Emily M. Gettum/#31012-41

6801 Gray Road, Suite H

Indianapolis, IN 46237

PH: 317-362-0225

FX: 317-362-0151

[cwhitten@indycounsel.com](mailto:cwhitten@indycounsel.com)

[egettum@indycounsel.com](mailto:egettum@indycounsel.com)

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of April, 2022, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Michael E. Tolbert, Esq.

Candace C. Williams, Esq.

TOLBERT & TOLBERT LLC

[MTolbert@tolbertlegal.com](mailto:MTolbert@tolbertlegal.com)

[CWilliams@tolbertlegal.com](mailto:CWilliams@tolbertlegal.com)

**s/Christopher R. Whitten**

Christopher R. Whitten